IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 8888 OF 2006

Date of decision : September 28, 2006

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Anil Joshi .....Petitioner

Vs.

State of Haryana & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. G.S Bal, Advocate for the petitioner(s).
Mr. Ajay Nara, Advocate for respondents no. 1 to 3.
Ms. Razia Malik, Advocate for respondent no.2.

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Viney Mittal, J. (Oral)

At the outset, learned counsel appearing for the petitioner states that since the claim of the petitioner has not been accepted by the Estate Officer, HUDA, Panchkula, therefore, it would be appropriate if the claim of the petitioner be examined by an authority at the higher level.

We have heard the learned counsel for the parties on the merits of the controversy also. From the stand taken by the petitioner although controverted by the respondents, we find that certain issues on facts do arise for determination.

In this view of the matter, without going at all into the merits of the controversy involved in the present petition and without commenting at

all on the rejection order passed by the Estate Officer, HUDA, Panchkula, we deem it appropriate that the matter is examined by the Administrator, HUDA, Panchkula.

Consequently, we dispose of the present petition, with a direction to the Administrator, HUDA, Panchkula to re-examine the claim made by the petitioner for allotment of a site/built up booth for his rehabilitation. For the aforesaid purpose, the petitioner would be required to file a detailed and comprehensive representation by appending all the relevant documents in support of the aforesaid claim, within a period of 4 weeks from the date a certified copy of the order is received, and on receipt of the aforesaid representation, the Administrator, HUDA shall examine the claim made by the petitioner after affording an opportunity of hearing to the petitioner or his authorized representative, by passing a detailed and speaking order, within a further period of 4 months.

Till the matter is finally decided by the Administrator, the interim protection granted to the petitioner shall continue.

Copy of the order be given dasti on the payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 28, 2006
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(H.S BHALLA)
JUDGE